

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|-----------------------|---|-------------------|
| JESUS MENDOZA, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| vs. |) | No. CIV-05-1384-C |
| |) | |
| BRUCE HOWARD, Warden, |) | |
| |) | |
| Respondent |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on February 24, 2006, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge. No point would be served in repeating that analysis. Petitioner does not specifically dispute either the factual recitation or the legal reasoning employed by the Magistrate Judge, but rather disagrees, in a summary fashion, with the ultimate conclusions. There is nothing asserted by the petitioner which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 20th day of March, 2006.



ROBIN J. CAUTHRON
United States District Judge